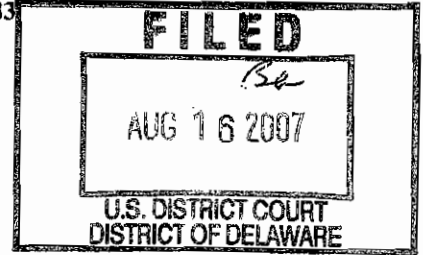


(Rev. 5/05)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**



(1) ADAM WENZKE # 182595  
(Name of Plaintiff) (Inmate Number)  
H.R.V.C.I.  
1301 E 12TH ST. Wilm, DE 19809  
(Complete Address with zip code)

(2) \_\_\_\_\_  
(Name of Plaintiff) (Inmate Number)

\_\_\_\_\_  
(Complete Address with zip code)

(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

vs.

(1) CORRECTIONAL MEDICAL SYSTEMS  
(2) FIRST CORRECTIONAL MEDICAL  
(3) SEE ATTACHMENT 1  
(Names of Defendants)

(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

07-504  
\_\_\_\_\_  
(Case Number)  
( to be assigned by U.S. District Court)

**CIVIL COMPLAINT**

• • Jury Trial Requested

**I. PREVIOUS LAWSUITS**

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

YES, IT WAS OVER 10 YEARS AGO AND IT WAS  
THROWN OUT BECAUSE I COULDN'T AFFORD THE  
FILING FEE. I CAN'T REMEMBER THE NAME OF  
THE JUDICIAL OFFICER. "SORRY"

**II. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? • Yes • No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? • Yes • No
- C. If your answer to "B" is Yes:

1. What steps did you take? GRIEVANCES AND APPEALS

2. What was the result? WAS GIVEN TWO ULTRA-SOUNDS, MOTRIN, AND ON 4/25/07 I RECEIVED A LETTER FROM BUREAU Chief (RICHARD KEARNEY) STATING THAT THEY UPHOLD my grievance appeal request.

- D. If your answer to "B" is No, explain why not: \_\_\_\_\_

**III. DEFENDANTS** (in order listed on the caption)

- (1) Name of first defendant: [REDACTED] (C.M.S) CORRECTIONS MEDICAL SYSTEM  
 Employed as CARE PROVIDER at H.R.V.C.I  
 Mailing address with zip code: 1301 E. 12<sup>th</sup> STREET  
P.O. Box 9561 Wilm, DE 19809
- (2) Name of second defendant: (F.C.M) FIRST CORRECTIONAL MEDICAL (D.C.C)  
 Employed as CARE PROVIDER at DELAWARE CORRECTIONAL CENTER  
 Mailing address with zip code: 1181 PADDOCK ROAD, SMYRNA  
DE 19977
- (3) Name of third defendant: SEE ATTACHMENT 1  
 Employed as \_\_\_\_\_ at \_\_\_\_\_  
 Mailing address with zip code: \_\_\_\_\_

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

## NAMES OF DEFENDANTS

1) NURSE MAGGIE	D.C.C.	>	DELAWARE CORRECTIONAL CENTER 1181 PADDUCK Rd. SMYRNA, DE. 19977
2) DR. TATAGARI	D.C.C.		
3) DR. HAQUE	D.C.C.		

4) NURSE DIANE

H.R.Y.C.I.

5) DR. TADEO

6) DR. DOROSIER

7) MR. ALTON

8) DR. SMITH

9) MR. JIM WELCH

HOWARD R. YOUNG CORRECTIONAL  
INSTITUTE 1301 E. 12th St  
P.O. Box 9561  
Wilm, DE 19809

10) BETTY BRADLEY

11) NECHELLE D. BUTCHER

12) STEPHANIE MOWBRAY

NURSES AT LAST GRIEVANCE  
HEARING

#### IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. SEE ATTACHMENT 2  
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#### V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. PLEASE CORRECT THE PAINFUL PROBLEM IM  
HAVING, ALSO IM SEEKING COMPENSATORY  
AND PUNITIVE DAMAGES.  
\_\_\_\_\_  
\_\_\_\_\_

## STATEMENT OF CLAIMS

- 1) I FILED A GRIEVANCE REPORT ON 6/27/04 BECAUSE I WENT TO THE INFIRMARY AT D.C.C. ON TWO SEPARATE OCCASIONS ABOUT SEVERE PAIN IN MY RIGHT TESTICLE. THE NURSE MAGGIE EXAMINED ME AND SAID NOTHING WAS WRONG, BUT SHE ORDERED SOME ANTI-BIOTICS FOR TWO WEEKS. I WENT BACK A SECOND TIME TO SEE DR. TATAGARI FOR THE SAME PROBLEM, HE EXAMINED ME AND SAID THEIRS NOTHING WRONG.
- 2) I DON'T KNOW THE DATE, BUT I WENT BACK TO THE INFIRMARY AGAIN FOR THE SAME PROBLEM BECAUSE I WAS IN PAIN. I SAW DR. HAQUE, I WAS EXAMINED AND HE SAID THEIR WAS NOTHING WRONG. I INCISTED ON A ULTRA-SOUND TO MAKE SURE.
- 3) I SAW MRS TERRY L. HASTINGS THE GRIEVANCE INVESTIGATUR WALKING BY "D" BUILDINGS REC. YARD AND I ASKED HER WHAT'S UP WITH MY SITUATION? SHE TOLD ME TO WRITE HER, AND I DID SO ON 8/7/04. NO REPLY
- 4) ON 9/16/04 I WROTE MS TERRY L. HASTINGS AGAIN, NO REPLY
- 5) ON 9/21/04 I HAD A ULTRA-SOUND DONE ON MY RIGHT TESTICLE
- 6) ON 10/25/04 I FILED A GRIEVANCE REPORT BECAUSE I WROTE THE PRISON INFIRMARY TWO SEPARATE TIMES ASKING TO SEE THE RESULTS OF THE ULTRA-SOUND, BECAUSE IM STILL IN PAIN.
- 7) ON 12/8/04 I FILED ANOTHER GRIEVANCE REPORT BECAUSE THEY IGNORED THE ONE FROM 10/25/04.
- 8) ON 12/29/04 MS GINA WOLKEN ANOTHER GRIEVANCE INVESTIGATU TOLD ME THE RESULTS OF THE ULTRA-SOUND. SHE SAID, THE DOCTOR SAID EVERYTHING WAS NORMAL. MS GINA WOLKEN WOULD NOT TELL ME THE DOCTOR'S NAME BUT SHE SAID IM ON THE LIST TO SEE ANOTHER PRISON DOCTOR. THAT NEVER HAPPENED.
- 9) ON 2/24/05 I WAS TRANSFERRED FROM D.C.C. TO N.Y.C.I.



- 10) FOR THE NEXT FEW MONTHS I WAS JUST DEALING WITH THE EMBARRASSING PAIN UNTIL 7/25/05. NATURALLY, I COULDN'T TAKE IT NO MORE BECAUSE THE PAIN GOT WORSE AGAIN AND I SENT A SICK CALL SLIP IN. ON 8/1/05 I WAS CALLED TO THE INFIRMARY TO SEE NURSE DIANE. AFTER I TOLD HER MY PROBLEM SHE STATED TO ME "JUST DEAL WITH IT BECAUSE THERE'S NOTHING SHE OR I COULD DO ABOUT IT."
- 11) ON 8/6/05 I FILED ANOTHER GRIEVANCE REPORT AND TOLD THEM I WAS IN SEVERE PAIN AND I NEEDED ANOTHER ULTRA-SOUND OR A MRI.
- 12) ON 10/15/05 I WROTE A LETTER TO THE INFIRMARY CONCERNING THE STATUS ON MY MEDICAL GRIEVANCE AND ALSO LETTING THEM KNOW I WAS IN SEVERE PAIN.
- 13) ON 10/17/05 I WENT TO MEDICAL GRIEVANCE HEARING. THE PEOPLE THERE CONVINCED ME TO SIGN OFF ON THE GRIEVANCE AND TOLD ME I WAS ON THE LIST TO SEE A PRISON DOCTOR AND TO GET TREATED.
- 14) ON 10/24/05 AND 10/26/05 I WAS SEEN BY SOMEONE DOWN MEDICAL (WHO I CAN'T RECALL THEIR NAME). ANYWAY I WAS TOLD THERE'S NOTHING WRONG WITH ME.
- 15) ON 1/19/06 I PUT IN ANOTHER SICK CALL SLIP ABOUT SHARP PAINS IN MY RIGHT TESTICLE.
- 16) ON 3/4/06 I WAS EXAMINED BY DR. TADEO. SHE TOLD ME SHE WOULD ORDER A ULTRA-SOUND FOR MY RIGHT TESTICLE AND A BUMP ON MY RIGHT BICEPT.
- 17) ON 5/10/06 I WROTE THE INFIRMARY AND ASKED ABOUT THE ULTRA-SOUND DR. TADEO ORDERED. NO REPLY.
- 18) ALSO ON 5/10/06 I SENT IN ANOTHER SICK CALL ON SOMETHING UNRELATED JUST TO GET DOWN THERE TO THE INFIRMARY AND ASK ABOUT THE ULTRA-SOUND ORDERED ON 3/4/06 BY DR. TADEO.

- 19) ON 5/23/06 I WAS SEEN BY PRISON DOCTOR DOROSIER. SHE EXAMINED MY RIGHT TESTICLE, CHECKED PROSTATE AND PUT ME ON ANTI-BIOTICS FOR 2 WEEKS. SHE ALSO SAID DR. TADEU NEVER ORDERED A ULTRA-SOUND AND SHE WOULD CALL ME BACK IN 2 WEEKS FOR A CHECK-UP. THAT NEVER HAPPENED.
- 20) ON 6/26/06 I WAS SEEN AGAIN BY PRISON DR DIROSIER FOR A SHOULDER INJURY AND WHILE I WAS THERE I ASKED ABOUT GETTING ANOTHER ULTRA-SOUND BECAUSE MY RIGHT TESTICLE WAS HURTING BAD. HER REPLY: THERE'S NOTHING WRONG WITH YOU.
- 21) ON 9/30/06 I WROTE ANOTHER GRIEVANCE REPORT CONCERNING THE ULTRA-SOUND, AND CONTINUOUS PAIN IN MY RIGHT TESTICLE.
- 22) ON 10/9/06 MR. ALTON CAME TO MY HOUSING UNIT AND TOLD ME THERE WAS NOTHING WRONG WITH MY TESTICLE AND IT'S NORMAL TO HAVE PAIN THERE EVERY NOW AND AGAIN. HE ALSO STATED TO ME TO STOP WRITING SICK CALLS AND GRIEVANCE REPORTS. I TOLD HIM I WOULD NOT, UNTIL I GET BETTER HELP OTHER THAN MOTRIN.
- 23) ON 10/13/06 I WAS SEEN BY PRISON DR. CONOLEY, HE EXAMINED MY RIGHT TESTICLE AND TOLD ME THERE IS A SMALL MASS AND HE REFERRED ME TO UROLOGIC SURGICAL ASSOCIATES OF DELAWARE
- 24) ON 11/16/06 I WAS TAKEN FROM H.R.Y.C.I TO SEE A DOCTOR WHO'S NAME I CAN'T REMEMBER AT UROLOGIC SURGICAL ASSOCIATES OF DELAWARE 1815 W 13<sup>th</sup> St, the Station- Unit 5 Wilm, DE 19806. THAT DOCTOR TOLD ME I HAD A SMALL MASS ON RIGHT TESTICLE AND HE ORDERED A ULTRA-SOUND. HE ALSO TOLD ME WHEN THE RESULTS CAME BACK HE WOULD BRING ME BACK TO HIS OFFICE FOR A FOLLOW UP CONSULT AND DISCUSS FURTHER TREATMENT OPTIONS.
- 25) ON 12/18/06 I FINALLY HAD A SECOND ULTRA-SOUND DONE ON MY RIGHT TESTICLE. THE MAN WHO PERFORMED THE ULTRA-SOUND

TOLD ME I HAD A SMALL MASS ON TOP OF MY RIGHT TESTICLE, SO HE DECIDED TO CHECK THE LEFT TESTICLE ALSO AND FOUND A SMALL MASS ON THAT ONE AS WELL. DURING ALL THIS TIME ONLY THE RIGHT ONE WAS HURTING ALL THE TIME UNTIL RECENTLY EVERY NOW AND THEN I'LL FEEL LITTLE PAINS IN THE LEFT ONE.

26) ON 12/26/06 I WROTE A SICK CALL SLIP AND ASKED TO SEE THE ULTRA-SOUND RESULTS. Reply: NOT IN YET!

27) ON 1/7/07 I WROTE ANOTHER SICK CALL SLIP AND SAID I WAS IN PAIN AND WANTED TO KNOW THE RESULTS OF THE ULTRA-SOUND ON 12/18/06. Reply: RESULTS NOT IN YET!

28) ON 1/11/07 I WAS CALLED TO A GRIEVANCE HEARING THAT I FILED ON 9/30/06. AT THE HEARING BETTY BRADLEY, NECHELLE D. BUTCHER AND STEPHANIE MOWBRAY TOLD ME ALL THEY CAN DO IS GIVE ME MORE Tylenol AND I CAN BE SEEN AGAIN BY ANOTHER PRISON DOCTOR. I INSISTED THAT THEY SEND THE RESULTS, WHICH WERE BACK TO THE UROLOGIST I WENT AND SEEN ON 11/16/06. AFTER COMPLAINING FOR 10 MINUTES THEY FINALLY AGREED, THEN THEY TOLD ME TO SIGN OFF ON THE GRIEVANCE REPORT AGAIN AND I SAID NO. I AM GOING TO APPEAL IT TO THE VERY END, BECAUSE I'VE BEEN IN SEVERE PAIN FOR OVER 2 1/2 YEARS AND NOBODY'S ACTUALLY DONE ANYTHING TO HELP ME EXCEPT REFER ME TO MORE DOCTORS WHO TELL ME THERE'S NOTHING WRONG WITH ME. THEY ALSO GIVE ME Tylenol NOW BECAUSE THEY OVER LOADED ME WITH TOO MUCH MORTUIN UNTIL MY LEFT SIDE WAS KILLING ME ALL THE TIME. I'M GETTING THE RUN-AROUND AND I'M SICK AND TIRED OF IT. BEFORE I LEFT THE GRIEVANCE HEARING MS. STEPHANIE MOWBRAY SAID SHE WILL SCHEDULE ME TO SEE THE DOCTOR AGAIN AT UROLOGIC SURGICAL ASSOCIATES OF DELAWARE FOR A CONSULT ON THE RESULTS OF THE ULTRA-SOUND AND DISCUSS FURTHER TREATMENT OPTIONS.

29) ON 3/9/07 I WAS SEEN BY PRISON DOCTOR SMITH FOR SOMETHING ELSE AND I ASKED HIM ABOUT MY SITUATION



WITH THE UROLOGIST. HE LOOKED IN MY FILE AND SAID FOR ME NOT TO WORRY ABOUT IT, THAT HE WOULD SCHEDULE ANOTHER ULTRA-SOUND. AS YOU CAN CLEARLY SEE I'M GETTING NO WHERE WITH THE PRISON'S HEALTH CARE PROVIDER. THE MASS ON MY RIGHT TESTICLE MOST DEFINITELY NEEDS TO BE REMOVED. I'M IN CONSTANT PAIN ALL THE TIME. Tylenol can only do so much. IN MY OPINION, SINCE THE SMALL MASS IS ON THE PART OF MY TESTICLE THAT MAKES SPERM I BELIEVE IT IS PROHIBITING THE GROWTH OF MY RIGHT TESTICLE BECAUSE NOW IT LOOKS SMALLER THAN THE LEFT ONE, TO ME.

- 30) ON 3/11/07 I WROTE MS STEPHANIE MOWBRAY (THE SCHEDULING LADY FOR THE OUTSIDE DOCTOR) AND ASKED ABOUT MY SITUATION ON SEEING THE UROLOGIST AGAIN. — NO REPLY
- 31) ON 3/24/07 I WROTE MRS. STEPHANIE MOWBRAY AGAIN AND ASKED HER ABOUT THE UROLOGIST, AND WHY IT WAS TAKING SO LONG? NO REPLY
- 32) ON 4/19/07 I WROTE SGT. MOODY AND ASKED HER ABOUT MY GRIEVANCE APPEAL FROM THE HEARING ON 1/11/07 "ORIGINAL GRIEVANCE FILED ON 9/30/06" SHE REPLIED ON 4/24/07 AND ADVISED ME MY APPEAL CASE WAS STILL IN DOVER FOR REVIEW.
- 33) ALSO ON 4/19/07 I WROTE THE WARDEN ADVISING HIM OF MY SITUATION. HE REPLIED ON 4/20/07 AND TOLD ME THAT HE ASKED A MR. JIM WELCH, DIRECTOR OF THE HEALTH CARE SERVICES TO REVIEW MY CHART AND TAKE APPROPRIATE ACTION. MR JIM WELCH NEVER CONTACTED ME AT ALL.
- 34) ON 4/19/07 I ALSO FILED A SICK CALL ASKING FOR MORE Tylenol FOR PAIN IN RIGHT TESTICLE.
- 35) ON 4/25/07 I RECEIVED A LETTER FROM THE BUREAU CHIEF, RICHARD KEARNEY STATING THAT THEY UPHELD MY GRIEVANCE APPEAL REQUEST.

ATTACHMENT 2  
page 6 of 6

- 36) ON 4/28/07 I WROTE MR. Jim Welch, DIRECTOR OF HEALTH CARE SERVICES AND ASKED ABOUT MY SITUATION AND WAS I GOING BACK TO THE UROLOGIST? NO REPLY
- 37) ON 5/10/07 I WROTE MRS STEPHANIE MOWBRAY AND ASKED HER ABOUT ME GOING BACK TO THE UROLOGIST BECAUSE RICHARD KEARNEY (THE BUREAU CHIEF) UPHELD MY GRIEVANCE APPEAL REQUEST. NO REPLY
- 38) ON 6/15/07 I WROTE MR. Jim Welch, the DIRECTOR OF HEALTH CARE SERVICES. I ASKED HIM ABOUT MY SITUATION AND IF I WAS GOING BACK TO THE UROLOGIST AGAIN? I'M ALSO IN CONSTANT PAIN ALL THE TIME. - NO REPLY
- 39) ON 8/5/07 I WROTE SGT. MOODY AND ASKED HER ABOUT MY APPEAL FROM THE BUREAU CHIEF BECAUSE THE DECISION WAS UPHELD, AND WHEN WAS I GOING BACK TO THE UROLOGIST?

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I declare under penalty of perjury that the foregoing is true and correct.

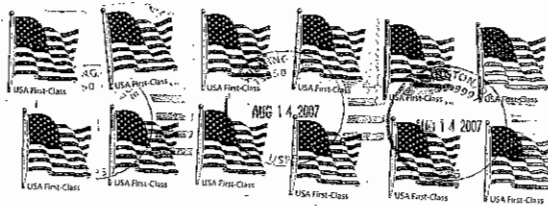
Signed this 7 day of August, 2007.

Adam T. Wenghe  
(Signature of Plaintiff 1)

\_\_\_\_\_  
(Signature of Plaintiff 2)

\_\_\_\_\_  
(Signature of Plaintiff 3)

ADAM WENZKE #182595  
H.R.Y.C.I  
1301 E. 12<sup>th</sup> ST.  
Wilm, DE 19809



POSTAGE WILL BE PAID BY ADDRESSEE

CLERK  
U.S. DISTRICT COURT  
LOCK BOX 18  
844 N. KING STREET  
WILM, DE 19801

07-504



07-504

August 13, 2007

DEAR CLERK,

I WOULD ALSO LIKE TO ADD A DOCTOR WHEN I WAS AT D.C.C. HE TOLD THE MEDICAL DEPARTMENT AFTER HE EXAMINED THE RESULTS OF MY ULTRA SOUND THAT EVERY THING WAS NORMAL AND NOTHING WAS WRONG.

I BELIEVE THE DOCTOR WORKED AT KENT GENERAL BUT THE PEOPLE HERE WOULD NOT TELL ME HIS NAME, I NEED TO ADD HIM AS WELL.

THANK YOU.

ADAM WENZKE  
# 182595  
H.R.Y.C.I  
1301 E. 12<sup>th</sup> ST.  
Wilm, DE  
19809

